

**U.S. Department of Labor**

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**Issue Date: 28 August 2007**

CASE NO.: 2007 ERA 8

***In the Matter of:***

BRADLEY B. KELLY,  
Complainant,

v.

AmerenUE/CALLAWAY NUCLEAR  
POWER PLANT,  
Respondent.

**SUMMARY OF TELEPHONE CONFERENCE;  
APPROVAL OF COMPLAINANTS WITHDRAWAL OF COMPLAINT;  
CANCELLATION OF HEARING**

A conference was conducted by telephone pursuant to notice at 11:30 a.m., E.D.T., on August 27, 2007. Complainant was represented by Carla G. Holste, Esquire; Respondent was represented by Patrick J. Hickey, Esquire; the undersigned presided. Originally scheduled to deal with a discovery matter, the conference allowed resolution of issues pertinent to Complainant's pleading styled, "Dismissal Without Prejudice" filed August 24, 2007. Pertinent new regulations effective August 10, 2007, control the withdrawal of this claim, and now specify a modified procedure for approval of such withdrawals which allows withdrawal of objections to the findings or order by Assistant Secretary of Labor for Occupational Safety and Health (OSHA) by filing a written withdrawal with this tribunal. 29 CFR § 24.111 (Aug. 10, 2007)(Federal Register/Vol. 72/Friday, Aug. 10, 2007/ Rules & Regulations 44967) In this case the findings by OSHA resulted in dismissal of the complaint. The parties have been so advised. Respondent does not object to the withdrawal of the complaint or objections. Complainant accepts the modified treatment of his request for dismissal, which is deemed to be a written withdrawal of Complainant's objections to the OSHA findings. No settlement is involved. Wherefore, it is

ORDERED that Complainant's Dismissal Without Prejudice be treated as a withdrawal of his objections to the findings and order of OSHA issued April 18, 2007; that such withdrawal

be approved; that the complaint be dismissed; and that the hearing scheduled on October 23, 2007, in Jefferson City, Missouri, be canceled.

A

Edward Terhune Miller  
Administrative Law Judge